

Notice of Allowability

Application No.

09/868,619

Examiner

Fadey S. Jabr

Applicant(s)

SONE, YASUHITO

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/13/07.
2. ☒ The allowed claim(s) is/are 1-3 and 5-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Prosecution History

Claim 4 has been cancelled by way of amendment.

Claims 1-3 and 5-10 remain pending and allowed for at least the reasons below.

Allowable Subject Matter

1. Claims 1-3 and 4-10 allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Hassett et al., U.S. Patent No. 5,144,553, Park et al., U.S. Patent No. 6,091,344 A1 and Wyker, Pub. No. US2001/0047296 A1.

Hassett et al. discloses an electronic vehicle toll collection system and method. The system stores the toll-money-available for debiting in a toll transaction at an upcoming toll facility. The system also stores a variety of date stamped records including toll collection data, toll purchase data and cash summary data records.

Park et al. teaches a communication processing device of toll collecting system with discounts. Park et al. was cited for illustrating that discounts with toll were well known. Further, Wyker was cited for teaching a promotion period where a discount is applied to the item for consumes thereby establishing a target sales price less than the reduced retail sales price of the item.

As per **Claims 1 and 10**, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest a method and system comprising a function f_2 to calculate a preferential initial number of times of unitary use at the

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purchase date and time of said medium based on the number of days, the most preferential initial number of times of unitary use, and the toll, a function f_4 to a function f_3 to calculate the ratio of the preferential initial number of times of unitary use of said medium to the target annual sales of the media, and calculate the final initial number of times of unitary use for said medium based on the ratio and the sales at the purchase date and time of said medium...wherein the larger the total sales to date is, the larger the initial number of times of unitary use is set, and the more the total sales to date increases, the more the initial number of times of unitary use increases.

Claims 2-3 and 5-9 depend from claim 1 and are therefore allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

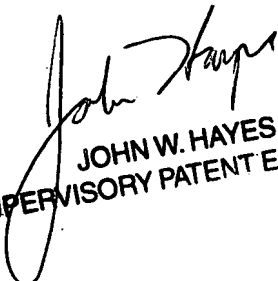
Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-1516 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Rhonda Barton on 15 June 2007.

The application has been amended as follows:

PROPOSED EXAMINER'S AMENDMENTS

1. (Currently Amended) An initial value-setting system for setting the initial available numbers of times of unitary use of prepaid available number-of-times-of-unitary-use storage media for a plurality of users who make use of a certain toll or pay service, the initial value-setting system comprising:

- a means for receiving purchase-application data on each medium including its purchase date and time through a communication network,

- a storage area ~~for~~ storing the opening date and time of advance sale of the media,

- a storage area ~~for~~ storing the closing date and time of the advance sale,

- a storage area ~~for~~ storing the closing date and time of ordinary sale, as distinct from the advance sale, of the media, and

- a storage area ~~for~~ storing a target annual sales of the media,

- a storage area ~~for~~ storing a selling price of the media,

- a storage area ~~for~~ storing a toll expressed in a number of times of unitary use of the service,

- a storage area ~~for~~ storing a most preferential initial number of times of unitary use applicable to media purchased during the advance sale, and

- a storage area ~~for~~ storing sales to date from the opening date and time of the advance sale to the purchase date and time of each medium,

- an initial value-setting means for setting the initial numbers of media with purchase dates and times between the opening and closing dates and times of the

advance sale higher than those of media with purchase dates and times between the closing dates and times of the advance and ordinary sales the initial value-setting means having:

a function f_1 to calculate the number of days from the closing date and time of the advance sale to the purchase date and time of each media,

a function f_2 to calculate a preferential initial number of times of unitary use at the purchase date and time of said medium based on the number of days, the most preferential initial number of times of unitary use, and the toll,

a function f_4 to a function f_3 to calculate the ratio of the preferential initial number of times of unitary use of said medium to the target annual sales of the media, and

calculate the final initial number of times of unitary use for said medium based on the ratio and the sales at the purchase date and time of said medium,

wherein the sales to date comprise total sales to the plurality of users, and

wherein the larger the total sales to date is, the larger the initial number of times of unitary use is set, and the more the total sales to date increases, the more the initial number of times of unitary use increases.

2. (Previously Presented) An initial value-setting system as claimed in claim 1 of which the initial value-setting means sets the initial numbers of media with purchase dates and times between the closing dates and times of the advance sale in a way such that the earlier the purchase dates and times of the media are, the larger the initial numbers of the media are.

3. (Previously Presented) An initial value-setting system as claimed in claim 1 of which the initial value-setting means sets the same number for all media with purchase dates and times between the opening and closing dates and times of the advance sale.

4. (Canceled)

5. (Previously Presented) An initial value-setting device which is a computer and provided with the initial value-setting system according to claim 1, 2, or 3.

6. (Previously Presented) An operating system of prepaid available number-of-times-of-unitary-use storage media for a plurality of users who make use of a certain toll or pay service comprising:

the initial value-setting device according to claim 5 which sets the initial available numbers of times of unitary use of the media and has a means for transmitting the initial numbers,

purchase-application-data input devices each to input and transmit purchase-application data on each medium to the initial value-setting device through a communication network N, writing devices each to receive the initial number of each medium from the initial value-setting device through the communication network N and write the initial number in said medium, and rewriting devices each to rewrite the remaining available number of times of unitary use of said user's medium every time each user makes use of the service.

7. (Currently Amended) An operating system of prepaid available number-of-times-of-unitary-use storage media for a plurality of users who make use of a certain toll or pay service comprising:

(i) the initial value-setting device according to claim 5 which sets the initial numbers of times of unitary use of the media and has a means for transmitting the initial number,

(ii) mobile communication terminals each including a means for inputting purchase-application data on a medium, a means for transmitting the purchase-application data on the medium to the initial value-setting device through a communication network, a means for receiving the initial number of the medium from the initial value-setting device through the communication network, and a means for writing the initial number in the medium, and

(iii) a rewriting device to rewrite the remaining available number of times of unitary use of said user's medium every time each user makes use of the service.

8. (Currently Amended) An operating system of prepaid available number-of-times-of-unitary-use storage media for a plurality of users who make use of a certain toll or pay service comprising:

(i) the initial value-setting device according to claim 5 which sets the initial numbers of times of unitary use of the media and has a means for transmitting the initial number,

(ii) information-processing terminals each including a means for inputting purchase-application data on a medium, a means for transmitting the purchase-application data on the medium to the initial value-setting device through a communication network, a means for receiving the initial number of the medium from the initial value-setting device through the communication network, and a means for writing the initial number in the medium, and

(iii) a rewriting device 4 to rewrite the remaining available number of times of unitary use of said user's medium every time each user makes use of the service.

9. (Previously Presented) A prepaid available number-of-times-of-unitary-use storage medium for a plurality of users who make use of a certain toll or pay service which is a storage medium to be used in the operating system according to claim 6 and has a rewritable storage area of a number of times of unitary use.

10. (Currently Amended) An initial value-setting system for setting the initial available numbers of times of unitary use of prepaid available number-of-times-of-unitary-use storage media for a plurality of users who make use of a certain toll or pay service, the initial value-setting system comprising:

a device for receiving purchase-application data on each medium including its purchase date and time through a communication network,

a storage area for storing the opening date and time of advance sale of the media,

a storage area for storing the closing date and time of the advance sale,

a storage area for storing the closing date and time of ordinary sale, as distinct from the advance sale, of the media, and

a storage area for storing a target annual sales of the media,

a storage area for storing a selling price of the media,

a storage area for storing a toll expressed in a number of times of unitary use of the service,

a storage area for storing a most preferential initial number of times of unitary use applicable to media purchased during the advance sale, and

a storage area for storing sales to date from the opening date and time of the advance sale to the purchase date and time of each medium,

an initial value-setting device for setting the initial numbers of media with purchase dates and times between the opening and closing dates and times of the

advance sale higher than those of media with purchase dates and times between the closing dates and times of the advance and ordinary sales,

the initial value-setting device having:

a function f_1 to calculate the number of days from the closing date and time of the advance sale to the purchase date and time of each media,

a function f_2 to calculate a preferential initial number of times of unitary use at the purchase date and time of said medium based on the number of days, the most preferential initial number of times of unitary use, and the toll,

a function f_3 to calculate the ratio of the preferential initial number of times of unitary use of said medium to the target annual sales of the media, and

a function f_4 to calculate the final initial number of times of unitary use for said medium based on the ratio and the sales at the purchase date and time of said medium,

wherein the sales to date comprise total sales to the plurality of users, and

wherein the larger the total sales to date is, the larger the initial number of times of unitary use is set, and the more the total sales to date increases, the more the initial number of times of unitary use increases.